

Remarks

To begin, the Office Action summary indicates that the action is final and also indicates that the action is non-final. As the text of the Office Action did not include the typical form paragraphs that relate to final office actions, and as this is the first action after filing of the RCE, applicant will presume that the action is non-final.

As to the section 112 rejection, MPEP 2173.05(i) states in the third paragraph "If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims." Thus, although not all of the embodiments described in the specification meet the negative limitation, as one embodiment does meet this limitation, there is adequate support for this limitation.

Enclosed in response to the obviousness rejection is a declaration of Robert Goldsmith, which includes several exhibits (Exhibits A-G). The Goldsmith declaration establishes that monolith membrane devices as in the present claims have been commercially available for many years. The declaration also establishes that co-current permeate circulation in various types of membrane filters has been known for many years. However, the high cost of the traditional ceramic membranes has inhibited their market acceptance. This problem has been overcome by the invention. This evidence thus supports the non-obviousness of the combination of the concept of permeate circulation such as taught by Rajnik, with the monolith filters of the Goldsmith reference. Accordingly, the claims are patentable over the references.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned in Westborough, Massachusetts, (508) 898-1501.

Respectfully submitted,



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